

HOUSE BILL 1184
By Buck

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 35, Part 3, relative to probation and
diversion alternatives.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-313, is amended by
designating the present language of subsection (a)(1)(B) as (a)(1)(C) and by adding the
following new (a)(1)(B):

(B) In addition to deferring further proceedings and placing the defendant on
straight probation as authorized in subdivision (A), the court, in its discretion, may order
a split confinement deferral. If the court exercises this option, it shall sentence a
qualified defendant to serve a portion of the sentence in continuous confinement and
then defer further proceedings and place the defendant on probation for the remainder of
the maximum sentence for the offense with which the defendant is charged minus the
time spent in confinement and any sentence credits earned and retained while confined.
A qualified defendant must consent to a split confinement deferral and such defendant
must plead guilty to the offense with which the defendant is charged. However, the court
shall not enter a judgment of guilty except as otherwise required by this section for a
straight probation deferral. A qualified defendant shall be required to pay the same fee
set out in subdivision (A) but only for the months the defendant spends on probation.
Otherwise, the provisions of this section shall apply to a qualified defendant who is
granted a split confinement deferral as authorized by this subdivision.

SECTION 2. This act shall take effect on July 1, 2005, the public welfare requiring it.